

REMARKS

Claims 6-17 are pending in the application.

In the response to the Amendment filed April 14, 2003, the Examiner repeated the previous claim rejections. The status of the claims is the following.

Claims 6, 7, 9, 10, 13, and 15-17 are rejected under 35 U.S.C. § 102(e) as being anticipated by previously-cited Zeleny et al. (US 6,215,894). Claims 6-15 are rejected under 35 U.S.C. § 102(e) as being anticipated by previously-cited Noblett (US 6,362,004). Claims 6, 7, 9, 10, and 12-16 are rejected under 35 U.S.C. § 102(b) as being anticipated by previously-cited Perttunen et al. (US 5,968,728). Applicant respectfully traverses the claim rejections as set forth below.

In the previous Amendment, independent claims 6 and 9 were amended to recite a means for obtaining information concerning the positions of the probes to which the target substance has bound and simultaneously detecting the management information attached to the test piece. Also, claims 16 and 17 recite an analogous feature. The Examiner asserts that Zeleny et al. disclose this feature of the claims, but Applicant disagrees. The Examiner asserts, on page 5 of the Office Action, that the system in Zeleny et al. passes the bio chip through a scanner, which first scans the barcodes and opens file folders, the image maps obtained by the scanner are stored in image maps contained in the open folders, and therefore the means for obtaining the position of the probes is performed simultaneous with detecting the management information (i.e., barcodes). However, Zeleny et al. disclose that the bio chip passes to a scanner 42, which first scans the barcodes 16b and 18b. The system 34 responds by opening file folders 36 that are logically linked to the identifiers. In other words, the barcodes are scanned first, to open a scan

RESPONSE UNDER 37 C.F.R. § 1.116
U.S. Application No. 09/749,752

protocol and upon completion of the scan protocol, an image map becomes stored. Thus, Zeleny et al. clearly disclose that scanning of the barcodes is not performed simultaneously with the opening of the file folders. See Zeleny et al., FIG. 4. Therefore, Zeleny et al. do not anticipate claims 6, 7, 9, 10, 13, 15, and 16.

With further regard to claims 13 and 15, Applicant submits that Zeleny et al. do not teach or suggest the limitations of these claims. The Examiner describes a disclosure of Zeleny et al. (see col. 3, lines 13-18), which the Examiner asserts to disclose the limitations of claims 13 and 15. Based on this disclosure of the reference, the Examiner asserts that management information includes the substances used as the probes. However, neither the portions of column 3 referred to by the Examiner, nor the remainder of the reference appears to teach or suggest that management information includes the substances used as the probes or any of the other limitations of claims 13 and 15. Applicant submits that none of the disclosures of the reference described by the Examiner necessarily correspond to the substances used as the probes. Hence, claims 13 and 15 are not anticipated by Zeleny et al. for this additional reason.

With regard to claim 17, Applicant submits that claim 17 is not anticipated by Zeleny et al. for an analogous reason to that described above for claims 6 and 9, relative to the feature of claim 17 of obtaining information concerning the positions of probes to which a target substance has bound occurring simultaneously with detecting the ID information attached to the test piece. Therefore, claim 17 is not anticipated by Zeleny et al. for at least this reason.

For the rejection of claims 6-16 over Noblett, Applicant submits that Noblett fails to teach or suggest all of the limitations of these claims. Specifically, Noblett fails to disclose the features of independent claims 6, 9, and 16 of obtaining information concerning the position of

the probes to which the target substance has bound and simultaneously detecting the management information attached to the test piece. Not only does the Examiner fail to describe where in the reference this feature of the claims of the present invention can be found, the Examiner does not even assert that Noblett discloses this feature of the claims. Noblett appears to be silent regarding this feature of the claims. The detection of fiducial marks and derivation of test spots in relation thereto does not provide management information in conjunction with positional information as described by claim 6 and its dependent claims. Therefore, claims 6-16 are not anticipated by Noblett.

Claims 6, 7, 9, 10, and 12-16 are rejected as being anticipated by Perttunen et al. Applicant submits that Perttunen et al. fail to teach or suggest obtaining information concerning the position of the probes to which the target substance has bound and simultaneously detecting the management information attached to the test piece, as recited in independent claims 6, 9, and 16. The Examiner refers to col. 5, lines 5-15, as allegedly disclosing this feature of the claims. However, Applicant disagrees. The cited excerpt discloses that the system of the reference includes a data base 38, which receives a signal associated with the mapping from the processor 30. The signal can include an identification code for the mapping and/or data indicative of the mapping. The Examiner interprets this portion of the reference to correspond to the aforementioned feature of the claims of the present invention. However, Applicant submits that this disclosure of Perttunen et al. does not correspond to the aforementioned feature of the claims. Claims 6, 9, and 16 recite obtaining information concerning the positions of the probes to which the target substance has bound and simultaneously detecting the management information attached to the test piece. The excerpt of the reference cited by the Examiner does

RESPONSE UNDER 37 C.F.R. § 1.116
U.S. Application No. 09/749,752

not indicate when detecting of the management information is performed relative to obtaining information concerning the position of the probes. The excerpt does not relate to detecting the management information at all, as described by claim 6 and its dependent claims. Instead, Perttunen et al. disclose that data base 38 receives a particular signal, which does not indicate detecting of the management information. Therefore, claims 6, 9, and 16 are not anticipated by Perttunen et al. for at least this reason.

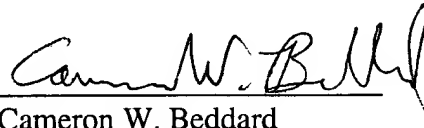
With further regard to dependent claims 12-15, these claims describe the management information more particularly. To the extent the cited references discuss locations of certain substances undergoing analysis, the management information of the dependent claims is not further taught.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

RESPONSE UNDER 37 C.F.R. § 1.116
U.S. Application No. 09/749,752

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,


Cameron W. Beddard
Registration No. 46,545

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: September 22, 2003